

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

Eberline Oilfield Service, Inc.,

Plaintiff,

vs.

Chad Eberline and All in One Oil Field Service,  
Inc.,

Defendants.

Case No.: 1:18-cv-245

**SECOND AMENDED  
SCHEDULING/DISCOVERY PLAN**

Pursuant to the stipulation of the parties, counsel for the parties have agreed upon the following:


1. The parties shall make their Rule 26(a)(1) disclosures by **April 9, 2022**, and will supplement disclosures as new information becomes available. The parties agree that they will make simultaneous Rule 26(a)(1) disclosures of the information required by the Rule.
2. The issues on which the parties need to conduct discovery are all claims and defenses set forth in the pleadings.
3. The parties shall have until **January 28, 2022**, to complete fact discovery and to file discovery motions.
4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows: Plaintiff will disclose experts by **February 15, 2022**, and Defendant has until **March 15, 2022**.
5. (Reports to be served on other parties, but not filed with the court.)
6. The parties shall have until **June 28, 2022**, to complete discovery depositions of expert witnesses.
7. The parties shall have until **October 16, 2021**, to move to join additional parties.

8. The parties shall have until **October 16, 2021**, to move to amend pleadings to add claims or defenses.
9. The parties shall have until **January 1, 2022**, to file other non-dispositive motions (e.g., consolidation, bifurcation).
10. The parties shall have until **January 1, 2022**, to file threshold motions (e.g. jurisdiction, qualified immunity, statute of limitations). Discovery shall not be stayed during the pendency of such motions.
11. The parties shall have until **May 11, 2022**, to file other dispositive motions (summary judgment as to all or part of the case).
12. Each party shall serve no more than **25 interrogatories**, including subparts. No broad contention interrogatories (i.e., "List all facts supporting your claim that . . .") shall be used.
13. Each side shall take no more than **10 discovery depositions**.
14. Depositions taken for presentation at trial shall be completed **60 days** before trial.
15. Counsel have discussed between themselves and explored with their client(s) early involvement in alternative dispute resolutions. At this time, ADR is not appropriate. (If an ADR option other than a court-hosted settlement conference is chosen, counsel shall designate one of themselves to report back to the magistrate judge that the ADR effort was completed and whether or not it was successful.) The court reminds the parties that early involvement in ADR is voluntary, not mandatory. Participation in ADR is encouraged by the court but is not required except for a settlement conference shortly before trial.
16. A mid-discovery status conference would not be helpful in this case.

17. The parties will not voluntarily waive their rights to proceed before a district judge and consent to have a magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.
18. Trial in this case will be by a jury.
19. The estimated length of trial is 7 days.


Dated this 14<sup>th</sup> day of September, 2021.

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ATTORNEYS FOR PLAINTIFF

Dated this 14<sup>th</sup> day of September, 2021.

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**ORDER**

The court **ADOPTS** the parties' second amended scheduling/discovery plan without any additions or modifications.

**IT IS SO ORDERED.**

Dated this 16th day of September, 2021.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court